and his experience at this time will be of invaluable help to you.

Sir, I pray for your long life and prosperity.

The Kannada translation of the Dewan's Address was then read by Mr. C. K. Venkataramiah, Kannada Translator to Government.

The following members who attended the Assembly for the first time then took the oath of allegiance:—

(1) Mr. Lionel Newcome, Mysore Planters' Association, Somwarpet.
(2) Mr. K. Venkatasamiah, Nanjangud Municipality.
(3) Mr. Papanna, Nanjangud Taluk.

GOVERNMENT BUSINESS.

I. Statement of General Principles of the Bill for the Amendment of Section 73 of the Mysore Forest Regulation.

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT, explained the principles as follows:—

Under the existing law, every occupant or holder of land is responsible for the preservation of all sandal trees growing thereon and is liable to pay compensation on account of any injury caused to such trees, in case he fails to report the injury or to prove that it was not caused by his own act or neglect. The Sandalwood Committee have recommended in their report published with Government Order No. G. 5082-95—Ft. 26-29-14, dated the 11th November 1930, that the person in actual possession (*i.e.*, the *anubhavadar*) of the land be made primarily responsible for any damage caused to sandal trees on his land and that the registered occupant be held liable only when the compensation for the damage cannot be recovered from the *anubhavadar*. This recommendation of the committee has been approved by Government and the amendment proposed is intended to give effect to it.

MR. BAGAMANE DEVA GOWDA said that, while Government had taken only one of the recommendations of the committee which had been appointed at the instance of the Representative Assembly, how they had dealt with the other recommendations had not been made known to the House. He requested that a copy of the Government Order dealing with all the recommendations be supplied to him.

THE DEWAN promised to comply with the request.

KHAN BAHADUR MAHOMED ABBAS KHAN said that the object of the amendment was that, if compensation for injury done to sandal trees could not be obtained from the actual occupant, the registered holder should be held responsible for the damages. He thought that this was wrong, for the simple reason that the holder might be an absentee-landlord, altogether innocent in the matter of the damage. He was therefore of opinion that the liability should not fall on the holder at all under any circumstances.

MR. M. C. LINGE GOWDA also stressed the same point and said that in many instances the *khate* of the land would be in the name of a previous holder although the land would have passed many hands. In such cases, it would be wrong to hold the former responsible for the damage.

THE SECOND MEMBER OF COUNCIL said that, in such cases, the previous holder should relinquish his title to the land.

MR. M. C. LINGE GOWDA said that, in any case, the *khatedar* should not be held responsible.

MR. B. L. BYANNA also spoke to the same effect.

MR. K. VENKATASAMIAH said that the liability sought to be imposed on the *khatedar* proceeded on the analogy of the relationship between a principal and his agent. As a matter of fact, the *anubhavadar* could in no sense be treated as an agent of the occupant. In most instances there was absolutely no such relationship, and the occupant should not be held responsible for the acts of the *anubhavadar*.

MR. H. C. DASAPPA said that, under the existing law, the *khatedar* was primarily responsible for the damage done to sandal trees, while under the proposed amendment two persons would become liable, *viz.*, the *khatedar* and the *anubhavadar*. This, he said, would be difficult in actual working.

A large number of other members argued that it was only the *anubhavadar* that should be made responsible and not the occupant.

THE SECOND MEMBER OF COUNCIL explained that the idea of the Bill was that proceedings should be taken against the *anubhavadar* in case the occupant was proved to be not responsible for the damage. The original section would continue to operate without any alteration, and a proviso alone would be added to it making the *anubhavadar* primarily responsible for the damage.

MR. H. C. DASAPPA said that, from the wording of the Statement of Principles, such an interpretation would not follow.

KHAN BAHADUR MAHOMED ABBAS KHAN and MESSRS. KHAJA PEERAN, MIR MAHOMED, and T. MARIAPPA said that, unless the Bill in proper form was placed in the hands of the members, it would be difficult to understand the exact significance of the proposed amendment.

THE SECOND MEMBER OF COUNCIL at this stage explained that the existing Section 73 (2) of the Forest Regulation would remain, but that a proviso to the following effect would be added :—

"Provided that the Revenue Officer aforesaid may, in cases in which he is satisfied that the person, responsible for the act, neglect, default, instigation or connivance resulting in the injury, was any tenant of the occupant or holder, or any other person holding under or through an occupant or holder direct that such tenant or other person shall primarily be liable for compensation and be proceeded against in the first instance for the recovery thereof."

He added that there was no question of the registered occupant at all.

MR. T. MARIAPPA, continuing, said that anyhow there was room for making liable one or both the persons—first the *anubhavadar*, and then the occupant—for the damage done, and that in most cases the Revenue Officer would put the liability on the occupant himself.

MR. D. S. MALLAPPA wanted to know the exact recommendation of the committee relating to this amendment.

THE CHIEF CONSERVATOR OF FORESTS thereupon read *in extenso* the recommendation of the committee and the action proposed to be taken for amending the existing law.

MR. D. S. MALLAPPA agreed that the amendment was in accordance with the committee's recommendation, but his fear was that the *khatedar* would be asked to pay in any case. He wanted that the liability of the *khatedar* in the end should be removed altogether.

THE FIRST MEMBER OF COUNCIL explained that it was not possible; for, under the existing law, the occupant was held responsible for the damage unless he proved that he was not so responsible. But the modification, he said, was that, in the first instance, the person in possession would be proceeded against and if he proved that he was not responsible, then alone the occupant would be asked to pay. The occupant might prove that he was also not responsible, and in such a case no further action would lie.

MR. D. S. MALLAPPA feared that the evidence tendered by the *khatedar* would not always be believed by the

Revenue officers, and for that reason, he said, the responsibility of the *khatedar* should be entirely removed.

THE DEWAN said that that matter did not arise as the orginal section was not proposed to be amended.

MR. V. VENKATAPPA enquired whether, in case the *anubhavadar* did the damage but had no money to pay the compensation, the department would proceed against the *khatedar*.

THE FIRST MEMBER OF COUNCIL replied that it would not be done.

MR. D. S. MALLAPPA said that, if this position was made clear, there would be no objection to the amendment.

KHAN BAHADUR MAHOMED ABBAS KHAN repeated that, before the Assembly gave its consent to the general principles, it would be desirable to print the section together with the proviso and circulate it to the members so that there might be no misunderstanding about it.

THE DEWAN promised that this would be done.

At this stage, the Assembly rose for lunch to meet again at 3-30 p.m.

Before interpellations were taken up, MR. MAHOMED SAIT, referring to the arrangements for lunch to the members, said that, in his opinion, it was better if the practice of giving free lunch was discontinued.

THE DEWAN replied that, if the Assembly approved of that view, Government would accept it.

MR. MAHOMED SAIT said that the Assembly would be prepared to agree to forego free lunch, provided the savings effected thereby could be set apart for primary education.

THE DEWAN pointed out that it was not possible to ear-mark the saving for any particular purpose.

KHAN BAHADUR MAHOMED ABBAS KHAN observed that, while there would be no difficulty for the resident members in doing away with free lunch, representatives coming from outside places would be greatly handicapped.

MR. IBRAHIM KHAN did not approve of the abolition of free lunch. If, on the other hand, the savings were utilised for primary education, he would have no objection. Before coming to a final settlement, he wished to know what the savings would be.

THE DEWAN replied that the savings would amount to about Rs. 11,000 and added that if the existing arrangement was discontinued, Government would provide facilities for getting lunch on payment.

MR. USMON KHAN observed that the savings involved

in the abolition of free lunch would not amount to much and that there would be more appreciable savings to Government if the members gave up a substantial part of their daily allowances at this juncture.

MR. G. MALLANNA thought that the cutting down of the *menu* on the first day of the session was responsible for the observations made by Mr. Mahomed Sait and that otherwise he would not have advocated the abolition of lunch.

MR. MAHOMED SAIT replied that the members were there as representatives of the people to render real service to the country and that they would not mind if the tiffin arrangements were abolished. He felt that there could be no real objection to the stoppage of free lunch on the distinct understanding that the savings accruing from this small self-sacrifice on the part of the members would be set apart for primary education as already indicated by him.

MR. P. SUBBARAMA CHETTY was of opinion that people coming from outside places could not starve for 5 hours with an interval of barely half an hour and as such, it was not desirable to abolish the present practice. If, however, it had become necessary to effect some economies, he suggested that the cost of lunch might be deducted from the daily batta given to the members.

A large number of members did not, however, subscribe to this view.

MR. KRISHNAPPA GOWDA endorsed the views of Mr. Mahomed Sait.

THE DEWAN observed that there was no use discussing the matter further in view of the divergent opinions expressed.

QUESTIONS AND ANSWERS.

MESSRS. HANUMEGOWDA, VEEREGOWDA (Dodballapur Taluk) and T. SIDDALINGIAH (Dodballapur Municipality).—

Q.—1. Will the Government be pleased to state:—

(*a*) Whether as promised in the June Session (*vide* Question 49) information has been obtained regarding the exact cost of measurement of each *hissa* under the Record of Rights Scheme and if so, what would be the average cost per *hissa*?

(*b*) Whether it is justifiable to recover from the raiyats more than the actual cost incurred therefor?